



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Nineteenth Meeting Day

Monday Afternoon

February 19, 2007

The Senate convened at 2:05 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Robert N. Jackman.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser <input type="checkbox"/>	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse <input type="checkbox"/>	Weatherwax
Lanane	Wyss
Landske	Young, M. <input type="checkbox"/>
Lawson	Young, R.
Lewis	Zakas

Roll Call 117: present 46; excused 4. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1017 — Heinold, Bowser (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

HB 1018 — Jackman (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1027 — Bray, Becker, Lanane, Rogers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1034 — Merritt, Lewis (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1037 — Alting, Lanane, Becker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1038 — Errington, Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1042 — Delph (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1058 — Steele, Lewis (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1059 — Lubbers, Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1060 — Meeks, Hume, Gard (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1075 — Kenley, Simpson, Kruse (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1078 — Meeks, Lewis, Wyss (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1081 — Bray, Lewis (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1082 — Becker, Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1084 — Landske (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1092 — Delph, Simpson, Wyss (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1117 — Steele, Hume, R. Young (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1119 — Landske, Rogers, Tallian, Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1129 — Gard, Lanane (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1132 — Breaux, Errington (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1145 — Bray, Skinner (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1146 — Jackman, Lewis (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1165 — Alting, Sipes (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1167 — Alting, Sipes (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1183 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1195 — Dillon, Howard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1203 — Meeks, Becker, Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1208 — Delph, Simpson, Alting, Paul (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1210 — Bray, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration.

HB 1220 — Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1226 — Steele, Lewis (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1232 — M. Young, Kruse, Deig (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1242 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1243 — Landske (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1264 — Dillon, Lanane, Broden (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1266 — Lubbers, Sipes, Lawson (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1274 — Bray, Lewis (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1281 — Heinold, Ford, Steele (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1291 — Bray, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1300 — Lubbers, Sipes, Alting, Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1301 — Lubbers, Breaux (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1324 — Hershman (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1327 — Kruse, Lewis (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1335 — Landske, R. Young (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1338 — Lawson, Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1339 — Lawson, Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1349 — Mishler, Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1364 — Bray, Long, Bowser, Howard (Judiciary)

A BILL FOR AN ACT concerning criminal law and procedure.

HB 1378 — Becker, Deig (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1379 — Deig (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1382 — Becker, Mrvan, Landske (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1383 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1388 — Drozda, Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1410 — Steele, Hershman, Becker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1425 — Wyss, Simpson (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1426 — Ford, Lanane, Gard (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1427 — Wyss, Lanane, Gard (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1457 — Lawson, Rogers, Sipes, Miller (Health and Provider

Services)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning health.

HB 1479 — Riegsecker, Deig (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1483 — Broden (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1486 — Bray (Energy and Environmental Affairs)

A BILL FOR AN ACT concerning state offices and administration.

HB 1508 — Zakas, Steele, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

HB 1546 — Wyss (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1565 — Howard, Dillon (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1568 — Breaux, Merritt (Local Government and Elections)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1578 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1665 — Delph, Paul (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1678 — Miller, Simpson, Dillon, Rogers (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1722 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and utilities and transportation.

HB 1723 — Alting, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1738 — Gard, Simpson (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 31**

Senate Concurrent Resolution 31, introduced by Senators Lawson and Tallian:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename State Road 63 from State Road 32 to Interstate Highway 74 the Gary E. Dudley and Gary L. Martin Memorial Highway.

Whereas, The Indiana Chapter of Concerns of Police Survivors ("Indiana C.O.P.S.") is an organization dedicated to assisting the surviving friends and family members of law enforcement officers who have made the ultimate sacrifice while serving the citizens of Indiana;

Whereas, Gary E. Dudley of the Indiana State Police and Gary L. Martin of the Lake County Sheriff's Department were dedicated supporters of Indiana C.O.P.S.;

Whereas, Lieutenant Dudley and Special Deputy Martin often organized and participated in long-distance bicycle rides in support of Indiana C.O.P.S.. Their efforts were instrumental to fund-raising and bringing public awareness to the organization and its important mission;

Whereas, On August 22, 2006, during a bicycle ride for C.O.P.S., Lieutenant Dudley and Special Deputy Martin were struck by a truck, resulting in each of the officers making the ultimate sacrifice; and

Whereas, It is fitting and appropriate to honor the dedication and sacrifices made by these two law enforcement officers by naming the section of highway where they gave their lives: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the importance of the contributions by Lieutenant Gary E. Dudley and Special Deputy Gary L. Martin to law enforcement and particularly to the Indiana Concerns of Police Survivors organization and requests the Indiana Department of Transportation to memorialize their contributions to the State of Indiana by designating State Road 63 from State Road 32 to Interstate Highway 74 as the "Gary E. Dudley and Gary L. Martin Memorial Highway."

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Carolyn Dudley, Olga Martin, Indiana C.O.P.S., the Superintendent of the Indiana State Police, the Sheriff of Lake County, and the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

Senate Resolution 15

Senate Resolution 15, introduced by Senator R. Young:

A SENATE RESOLUTION urging the Legislative Council to assign and direct an interim or statutory committee to study issues pertaining to the practice of "tracking" that allows utility companies to adjust rates to consumers without a public hearing.

Whereas, Current Indiana statutes authorize the Indiana Utility Regulatory Commission to allow utility companies to pass on immediate costs of providing services to customers through rate adjustments without public hearings;

Whereas, The conservation of energy and related costs of providing that energy are issues of utmost importance to the citizens of Indiana;

Whereas, The legislature has not studied this practice heretofore; and

Whereas, The committee shall study any other related matter the committee determines necessary be studied, now: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate urges the Legislative Council to assign and direct an interim or a statutory committee to study issues pertaining to the practice of "tracking" that allows utilities to adjust rates to consumers without a public hearing.

SECTION 2. That the committee, should the topic be assigned to the Legislative Council, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of the Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 20, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 14, delete "recruiting representative for:" and insert **"member of"**.

Page 2, line 15, delete "(I)".

Page 2, run in lines 14 through 15.

Page 2, line 17, delete "or".

Page 2, delete lines 18 through 19.

(Reference is to SB 20 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 199, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-19-2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 7.3. A court may not waive any criminal history check requirements set forth in this chapter.**

SECTION 2. IC 31-19-8-1, AS AMENDED BY P.L.145-2006, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. An adoption may be granted in Indiana only after:

- (1) the court has heard the evidence; and
- (2) **except as provided in section 2(c) of this chapter**, a period of supervision, as described in section 2 of this chapter, by a licensed child placing agency or **the county office of family and children approved for that purpose by the department.**

SECTION 3. IC 31-19-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as provided in subsection (c)**, the period of supervision required by section 1 of this chapter may be before or after the filing of a petition for adoption, or both.

(b) The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

(c) **A court hearing a petition for adoption of a child may waive the period of supervision under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the report under section 5(c) of this chapter.**

SECTION 4. IC 31-19-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) **Except as provided in subsection (c)**, not more than sixty (60) days from the date of reference of a petition for adoption to each appropriate agency, each agency **or the county office of family and children** shall submit to the court a written report of ~~and the agency's~~ investigation **and** recommendation as to the advisability of the adoption.

(b) The agency's **or county office of family and children's** report and recommendation:

- (1) shall be filed with the adoption proceedings; and

(2) become a part of the proceedings.

(c) **A court hearing a petition for adoption of a child:**

(1) may waive the report required under subsection (a) if one (1) of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision under section 2(c) of this chapter; and

(2) may require the county office of family and children or a child placing agency to:

(A) investigate any matter related to an adoption; and

(B) report to the court the results of the investigation.

SECTION 5. IC 31-19-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency's **or county office of family and children's** report must, to the extent possible, include the following:

(1) The former environment and antecedents of the child.

(2) The fitness of the child for adoption.

(3) Whether the child is classified as hard to place:

(A) because of the child's ethnic background, race, color, language, physical, mental, or medical disability, or age; or

(B) because the child is a member of a sibling group that should be placed in the same home.

(4) The suitability of the proposed home for the child.

(b) The report may not contain any of the following:

(1) Information concerning the financial condition of the parents.

(2) A recommendation that a request for a subsidy be denied in whole or in part due to the financial condition of the parents.

(c) The criminal history information required under IC 31-19-2-7.5 must accompany the report.

SECTION 6. IC 31-19-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The court shall summarily consider the agency's **or county office of family and children's** report. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

SECTION 7. IC 31-19-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The report and recommendation of the agency **or county office of family and children** are not binding on the court but are advisory only.

SECTION 8. IC 35-46-1-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 9.3. (a) This section does not apply to a:**

(1) person who does not arrange or facilitate a surrogate agreement in exchange for a fee or other consideration, but who assists in a subsequent adoption or parentage action for the child; or

(2) surrogate or an intended parent.

(b) As used in this section, "surrogate" has the meaning set forth in IC 31-9-2-126.

(c) As used in this section "surrogate agreement" has the meaning set forth in IC 31-9-2-127.

(d) A person who knowingly or intentionally receives a fee or other consideration, directly or indirectly, in exchange for arranging or facilitating a surrogate agreement commits surrogate facilitation, a Class A misdemeanor.

(e) A party to a surrogate agreement may bring a civil action against a person who commits surrogate facilitation under this section, even if the person has not been prosecuted or convicted of the offense. In an action under this subsection, a party may seek an award of the following:

(1) An amount not to exceed three (3) times the amount that the:

(A) person received for arranging or facilitating a surrogate agreement; or

(B) surrogate received for acting as a surrogate.

(2) The costs of the action.

(3) Reasonable attorney's fees.

SECTION 9. [EFFECTIVE JULY 1, 2007] IC 35-46-1-9.3, as added by this act, applies only to crimes committed after June 30, 2007.

(Reference is to SB 199 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 390, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "Definitions" and insert "**Application**".

Page 1, between lines 5 and 6, begin a new paragraph and insert: "**Sec. 1. This article does not apply to the following:**

(1) A person organized or chartered under the laws of this state, any other state, or the United States that relate to a bank, a trust company, a savings association, a savings bank, a credit union, or an industrial loan and investment company.

(2) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or a Federal Home Loan Bank.

(3) A department or agency of the United States or of Indiana.

(4) A person that is servicing or enforcing a loan that it owns.

(5) A person that is servicing a loan:

(A) for a person described in subdivisions (1) through (4) of this section; or

(B) insured by the Department of Housing and Urban Development or guaranteed by the Veterans Administration.

(6) An attorney licensed to practice law in Indiana who is representing a mortgagor.

Chapter 2. Definitions".

Page 2, line 31, delete "Chapter 2." and insert "**Chapter 3.**".

Page 2, line 32, delete "(a)".

Page 2, line 33, delete "authorized to".

Page 2, line 34, delete "make a sale".

Page 2, line 35, delete "in accordance with subsections (b) and (c)".

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 6.

Page 3, line 7, delete "(2) The following" and insert "**as follows in a**".

Run in page 2, line 35 through page 3, line 7.

Page 3, line 17, delete "Chapter 3." and insert "**Chapter 4.**".

Page 4, line 6, delete "Chapter 4." and insert "**Chapter 5.**".

Page 6, line 10, delete "Chapter 5." and insert "**Chapter 6.**".

Page 6, line 36, after "organizations" insert "**certified by the Indiana housing and community development authority**".

(Reference is to SB 390 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 508, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 42, after "liability" insert "**for an injury to a person detained in a correctional facility**".

(Reference is to SB 508 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 534, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 42, delete "if the" and insert "**if:**".

Page 4, line 1, before "consent" begin a new line block indented and insert:

"(1) the".

Page 4, line 4, delete "." and insert "**; or**

(2) the mother executes a written consent to the substitution of a petitioner for the adoption."

Page 4, line 4, beginning with "The" begin a new line blocked left.

Page 4, line 22, delete ";" and insert "**and acknowledges that the person:**

(A) understood the consequences of the signing of the consent to adoption;

(B) freely and voluntarily signed the consent to adoption; and

(c) believes that adoption is in the best interests of the person to be adopted;"

Page 4, between lines 32 and 33, begin a new paragraph and insert:

"(c) If a hearing under this section is conducted by telephonic communication or video conferencing, the court shall ensure that the hearing is recorded."

Page 7, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 12. IC 34-24-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. A prospective adoptive parent may bring a civil action against a person who commits unauthorized adoption facilitation under IC 35-46-1-22, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-22. In an action under this section, a prospective adoptive parent may seek an award of the following:**

- (1) An amount not to exceed three (3) times the amount that the prospective adoptive parent paid for the adoption services provided to the prospective adoptive parent in the commission of unauthorized adoption facilitation under IC 35-46-1-22.**
- (2) The costs of the action.**
- (3) A reasonable attorney's fee.**

SECTION 13. IC 34-24-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.** It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:

- (1) punitive damages; and
- (2) the amounts provided for under section 1 **or 1.5** of this chapter."

Page 7, line 38, delete "This section does not apply" and insert **"Only a person that is an attorney licensed to practice law or a child placing agency licensed under the laws of any state or the District of Columbia may advertise, on the person's own behalf, in a telephone directory that:**

- (1) a child is offered or wanted for adoption; or**
- (2) the person is able to place, locate, or receive a child for adoption.**

(b) A person that publishes a telephone directory that is distributed in Indiana may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following:

- (1) For an attorney licensed to practice law, the person's attorney number.**
- (2) For a child placing agency licensed under the laws of any state or the District of Columbia, the number on the person's child placing agency license.**

(c) A person who knowingly or intentionally violates this section commits unauthorized adoption advertising, a Class A misdemeanor."

Page 7, delete lines 39 through 42.

Page 8, delete lines 1 through 25.

(Reference is to SB 534 as introduced.)

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 20

House Concurrent Resolution 20, sponsored by Senator Jackman:

A CONCURRENT RESOLUTION recognizing the FFA.

Whereas, The FFA is the student organization component of Indiana's total agricultural education program;

Whereas, As an intracurricular activity, FFA empowers students to apply the knowledge and competencies gained from classroom laboratory instruction and supervised agricultural experiences;

Whereas, The Indiana FFA and agricultural education provide a strong foundation for the youth of Indiana and the future of the food, fiber, and natural resource systems for Hoosiers statewide;

Whereas, The Indiana FFA nurtures the next generation of Hoosier agriculturalists who will be involved in the leadership of every facet of our food and fiber system, including food safety, research and development, environmental protection, sales and marketing, food production, food processing, international trade, and education;

Whereas, The Indiana FFA promotes premier leadership, personal growth, and career success among its members and assists students in discovering the power they possess through the Youth Agriculture Exchange Brazil Experience, the State Agri-Entrepreneurship Awards Program, conferences and workshops, agriculture career development events, chapter retreats, district officer program, leadership career development events, Project: IMPACT, and the state FFA convention;

Whereas, The FFA motto "Learning to do, doing to learn, earning to live, living to serve" gives purpose to students who take an active role in succeeding in agricultural education; and

Whereas, The Indiana FFA promotes citizenship, volunteerism, patriotism, and cooperation among its 9,500 active Hoosier members from 185 chapters who join 463,423 national FFA members in the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the important work done by the Indiana FFA in furthering the development of our youth into exceptional citizens of our state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Indiana FFA.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION recognizing Andrew B. Buroker.

Whereas, Andrew B. Buroker is the chairman of the American Heart Association, a national voluntary health agency whose goal is to reduce disability and death from cardiovascular diseases and stroke;

Whereas, Before becoming chairman, Andrew B. Buroker was an American Heart Association volunteer for more than 16 years and has been a member of the national board of directors and administrative cabinet since 2002;

Whereas, Chairman Buroker, a graduate of DePauw University and the Indiana University School of Law in Bloomington, is responsible for the overall administration of business affairs, public relations, and fund raising and presides over the board of directors and administrative cabinet meetings;

Whereas, In addition to his dedication to the cause of the American Heart Association, Andrew B. Buroker provides pro bono legal services through the Community Organizations Legal Assistance Project and is active in a number of community, political, and charitable activities;

Whereas, Andrew B. Buroker has received numerous awards and honors recognizing his dedication to the American Heart Association and his devotion to his community, including the Distinguished Service Award from the Indiana University School of Law, the Core Vitae Award from the American Heart Association, the Mayor's Community Service Award from Mayor Bart Peterson, and recognition from the Indianapolis Business Journal as a member of the "40 Under Forty" young community leaders in Indianapolis;

Whereas, Andrew B. Buroker is a partner at the law firm of Krieg Devault, chairman of the real estate and environmental practice group, and chairman of the recruiting committee; and

Whereas, Andrew B. Buroker has dedicated his time, energy, and expertise to strengthen the efforts of the American Heart Association to reduce cardiovascular disease mortality and improve the heart health of all Americans: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the good work of Andrew B. Buroker and thanks him for his countless hours of dedicated service to the American Heart Association and the community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Andrew B. Buroker.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 11

Senate Resolution 11, introduced by Senator Paul:

A SENATE RESOLUTION to honor John O. Catey for his lifetime of service to the citizens of Indiana.

Whereas, John O. Catey is a native of Wayne County and graduated from Williamsburg High School. Thereafter, Mr. Catey served as a Deputy Sheriff from 1958 to 1971, when he was elected as the Wayne County Sheriff;

Whereas, In the course of his distinguished career, Mr. Catey has served in many capacities including as an appointee to the Indiana Criminal Justice Commission, as Executive Director of the Indiana Sheriffs' Association, as a Wayne County Councilman and later, as a Wayne County Commissioner;

Whereas, Mr. Catey has also served as a board member of the Eastern Indiana Development District, as a board member of the Richmond Wayne County Chamber of Commerce, and as a member of the Reid Hospital Board of Trustees; and

Whereas, John O. Catey is a vanguard of his community. His dedication and lifetime of service to the citizens of Indiana is worthy of recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana State Senate honors John O. Catey for his lifetime of service to the citizens of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John and Elsa Catey, and their two children Stan Catey and Mike Catey.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 450, which is eligible for third reading, be returned to second reading for purposes of amendment.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 567, which is eligible for third reading, be returned to second reading for purposes of amendment.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 396.

WEATHERWAX

Motion prevailed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 14**

House Concurrent Resolution 14, sponsored by Senator Steele:

A CONCURRENT RESOLUTION recognizing Ronald Reagan..

Whereas, President Ronald Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, a union leader, a corporate spokesman, the Governor of California, and the President of the United States;

Whereas, Ronald Reagan served with honor and distinction for two terms as the U.S. President;

Whereas, In the election for his second term, Ronald Reagan earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election, a record unsurpassed in the history of American presidential elections;

Whereas, When Ronald Reagan was elected in 1981, he inherited a disillusioned nation shackled by rampant inflation and high unemployment;

Whereas, During Ronald Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to unprecedented economic expansion and opportunity for millions of Americans;

Whereas, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in the country's neighborhoods;

Whereas, Ronald Reagan's commitment to U.S. armed forces helped restore pride in America and its values and those cherished by the free world and prepared America's armed forces to meet the challenges of the 21st century;

Whereas, Ronald Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2007, will mark the 96th anniversary of Ronald Reagan's birth: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the citizens of Indiana to honor Ronald Reagan as a man who worked for freedom and the public good throughout his life.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Governor Mitch Daniels.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

2:25 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:36 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of House Concurrent Resolution 20.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 411.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 508.

WATERMAN

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 20, 21, and 22 and the same are herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1391 and the same is herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1088 and 1811 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Joint Resolution 14

Senator Steele called up Senate Joint Resolution 14 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senators Hershman and Boots:

A CONCURRENT RESOLUTION honoring the Frankfort Community Public Library.

Whereas, In a ceremony in the East Room of the White House, First Lady Laura Bush presented the 2006 National Award for Museum and Library Service to the Frankfort Community Public Library;

Whereas, The National Award for Museum and Library Service, awarded annually by the Institute of Museum and Library Services, is the highest honor the nation bestows on libraries and museums for their outstanding contribution to American communities;

Whereas, These awards are given to museums and libraries that have "demonstrated a long-term commitment to public service through innovative programs and community partnerships";

Whereas, The Frankfort Community Public Library offers the community much more than a place to read and do research;

Whereas, The Frankfort Community Public Library sponsors a "school of living" and free and low-cost fine art, crafts, music, theater, cooking, and gardening classes for children and adults;

Whereas, To help unify the diverse factions of the community, the Frankfort Public Library showcases Hispanic guitar music and foods, teaches children how to make calaveras skeletons and Mexican tin ware, and holds a biannual Japanese festival featuring traditional art, sushi, Koto players, and tea ceremonies; and

Whereas, The Frankfort Community Public Library has touched the lives of countless Hoosiers whose interaction with the library has changed their lives for the better: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Frankfort Community Public Library for the recognition it received from the federal Institute of Museum and Library Services and encourages the staff to continue working for the betterment of the community and its residents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to William Caddell, Director of the Frankfort Community Public Library.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING

Senate Bill 104

Senator Lawson called up Senate Bill 104 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 113

Senator Gard called up Senate Bill 113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 114

Senator Gard called up Senate Bill 114 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 156

Senator Gard called up Senate Bill 156 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 158

Senator Gard called up Senate Bill 158 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 158-2)

Madam President: I move that Senate Bill 158 be amended to read as follows:

Page 9, line 22, strike "one-half" and insert "**one-tenth**".

Page 9, line 23, strike "\$0.005" and insert "**(\$0.001)**".

Page 9, line 23, reset in roman "is".

Page 9, line 23, delete "shall be collected" and insert "**allowed**".

Page 9, line 25, delete ".".

Page 9, line 25, reset in roman "if the".

Page 9, reset in roman lines 26 through 27.

Page 9, line 28, reset in roman "without the producer's written consent."

Page 9, reset in roman lines 31 through 42.

Page 10, reset in roman, lines 1 through 17.

Page 10, line 18, reset in roman "described in subsection (b),".

Page 10, line 18, delete "(b) The" and insert "the".

Page 10, line 27, reset in roman "(d)".
 Page 10, line 27, delete "(c)".
 Page 10, delete lines 33 through 42.
 Page 11, delete lines 1 through 13.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 158 as printed February 14, 2007.)

NUGENT

Upon request of Senator Nugent the President ordered the roll of the Senate to be called. Roll Call 118: yeas 13, nays 33.

Motion failed.

SENATE MOTION
 (Amendment 158-1)

Madam President: I move that Senate Bill 158 be amended to read as follows:

Page 13, line 3, delete "2011," and insert "**2007**".
 Page 13, line 4, delete "five (5)" and insert "**four (4)**".
 (Reference is to SB 158 as printed February 14, 2007.)

NUGENT

Motion failed. The bill was ordered engrossed.

Senate Bill 246

Senator Mrvan called up Senate Bill 246 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 246-2)

Madam President: I move that Senate Bill 246 be amended to read as follows:

Page 3, delete lines 3 through 20, begin a new paragraph and insert:

"SECTION 5. IC 5-11-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) **Except as specifically required or provided by another law**, examinations under this chapter shall be conducted ~~annually for the following:~~

- ~~(1) The state;~~
- ~~(2) Cities;~~
- ~~(3) Counties;~~
- ~~(4) Towns with a population greater than five thousand (5,000);~~
- ~~(5) Public hospitals;~~

on a schedule determined by the state board of accounts. The state board of accounts may not establish an audit schedule for the examination of an entity that is inconsistent with any federal audit guidelines that govern the entity.

(b) Subject to section 9 of this chapter, examinations under this chapter shall be conducted **at least** biennially for:

- (1) ~~municipalities;~~ **schools that require a federal audit;**
- (2) towns with a population of less than five thousand (5,000) that require a federal audit; and**
- ~~(2) (3) all other entities that require a federal audit and are not listed in~~ **audited annually on the schedule determined by the state board of accounts under subsection (a)."**

Renumber all SECTIONS consecutively.

(Reference is to SB 246 as printed February 2, 2007.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 264

Senator Walker called up Senate Bill 264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 270

Senator Heinold called up Senate Bill 270 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 270-1)

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(c) As used in this section, "qualified motor vehicle" means a motor vehicle that may be fueled by E85."

Page 2, line 31, delete "(c)" and insert "**(d)**".

Page 2, line 32, delete "of" and insert "**if**".

Page 2, line 34, after "subdivision's" insert "**qualified**".

Page 2, line 35, delete "that may be fueled by" and insert "**were**".

Page 2, line 36, delete "(d)" and insert "**(e)**".

Page 2, line 36, delete "(h)" and insert "**(i)**".

Page 2, line 39, after "of" insert "**qualified**".

Page 2, line 40, delete "subdivision that may be fueled by E85;" and insert "**subdivision;**".

Page 2, line 42, delete "(e)" and insert "**(f)**".

Page 2, line 42, after "section," insert "**the fiscal officer of**".

Page 3, line 6, after "of" insert "**qualified**".

Page 3, line 7, delete "subdivision that may be fueled by E85;" and insert "**subdivision;**".

Page 3, line 10, before "motor" insert "**qualified**".

Page 3, line 12, before "motor" insert "**qualified**".

Page 3, line 13, delete "(f)" and insert "**(g)**".

Page 3, line 20, delete "(e)" and insert "**(f)**".

Page 3, line 21, delete "(g)" and insert "**(h)**".

Page 3, line 23, delete "(f)" and insert "**(g)**".

Page 3, line 29, delete "(h)" and insert "**(i)**".

Page 3, line 30, after "a" insert "**qualified**".

Page 3, line 32, after "the" insert "**qualified**".

Page 3, line 33, delete "(i)" and insert "**(j)**".

(Reference is to SB 270 as printed February 14, 2007.)

HEINOLD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 286

Senator Kenley called up Senate Bill 286 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 286-1)

Madam President: I move that Senate Bill 286 be amended to

read as follows:

Page 21, line 7, after "that" insert ":

(1)".

Page 21, line 11, delete "." and insert "; or

(2) the discharge was the result of a combined sewer overflow and the person notified the department in a timely manner."

(Reference is to SB 286 as printed February 14, 2007.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 289

Senator Dillon called up Senate Bill 289 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 311

Senator Hershman called up Senate Bill 311 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 315

Senator Ford called up Senate Bill 315 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 341

Senator Ford called up Senate Bill 341 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 357

Senator Heinold called up Senate Bill 357 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 357-1)

Madam President: I move that Senate Bill 357 be amended to read as follows:

Page 1, line 16, delete "." and insert ", **unless the individual:**

(A) owns land in Indiana; and

(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana."

Page 2, line 27, delete "." and insert ", **unless the individual:**

(A) owns land in Indiana; and

(B) submits an affidavit that affirms that the nursery stock or wildflower seeds will be planted in Indiana."

(Reference is to SB 357 as printed February 14, 2007.)

HEINOLD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 411

Senator Hershman called up Senate Bill 411 for second reading. The bill was read a second time by title. There being no

amendments, the bill was ordered engrossed.

Senate Bill 432

Senator Gard called up Senate Bill 432 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 451

Senator Becker called up Senate Bill 451 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 461

Senator Ford called up Senate Bill 461 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 463

Senator Heinold called up Senate Bill 463 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 466

Senator Meeks called up Senate Bill 466 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 467

Senator Weatherwax called up Senate Bill 467 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 467-1)

Madam President: I move that Senate Bill 467 be amended to read as follows:

Page 3, line 25, strike "methods" and insert "**specifications**".

Page 3, line 31, delete "Method" and insert "**Specification**".

Page 4, line 7, delete "(B)".

Page 4, line 7, strike "Method" and insert "**(B) Specification**".

Page 4, line 7, after "D-4953," insert "**Specification**".

Page 4, line 8, strike "method" and insert "**specification**".

Page 5, line 2, delete "Method" and insert "**Specification**".

Page 5, line 3, delete "Method" and insert "**Specification**".

Page 5, line 6, delete "Method" and insert "**Specification**".

Page 5, line 9, delete "Method" and insert "**Specification**".

Page 5, line 15, delete "Method" and insert "**Specification**".

Page 5, line 19, delete "Method" and insert "**Specification**".

Page 5, line 20, delete "Method" and insert "**Specification**".

Page 5, line 20, after "D-4953," insert "**Specification**".

Page 5, line 21, delete "method" and insert "**specification**".

Page 5, line 31, delete "Method" and insert "**Specification**".

(Reference is to SB 467 as printed February 14, 2007.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 472

Senator Wyss called up Senate Bill 472 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 472-1)

Madam President: I move that Senate Bill 472 be amended to read as follows:

Page 4, line 39, delete "department" and insert "**auditor**".

Page 4, line 39, delete "revenue".

Page 5, line 5, delete "and distribution".

Page 9, delete lines 33 through 34, begin a new paragraph and insert:

"SECTION 18. IC 22-12-1-23.3 IS REPEALED [EFFECTIVE JULY 1, 2007].".

Page 9, line 35, delete "Notwithstanding".

Page 9, delete lines 36 through 39.

Page 9, line 40, delete "(b)".

Page 9, run in lines 35 through 40.

Page 9, line 42, delete "and building services" and insert "**training infrastructure**".

Page 10, line 1, delete "IC 22-12-6-1" and insert "**IC 22-14-5-1**".

Page 10, delete lines 2 through 5.

Page 10, line 6, delete "(d) Notwithstanding the repeal of IC 22-14-5 by this act, if" and insert "**(b) If**".

Page 10, line 11, delete "and building services" and insert "**training infrastructure**".

Page 10, line 13, delete "(e)" and insert "**(c)**".

Page 10, line 14, delete "(b);" and insert "**(a);**".

Page 10, line 15, delete "(d)" and insert "**(b)**".

Page 10, line 16, delete "for statewide fire training." and insert "**to provide grants to construct fire training facilities and purchase fire training equipment.**".

Page 10, line 17, delete "(f)" and insert "**(d)**".

(Reference is to SB 472 as printed February 16, 2007.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 480

Senator Wyss called up Senate Bill 480 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 500

Senator Kenley called up Senate Bill 500 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 500-1)

Madam President: I move that Senate Bill 500 be amended to read as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 4. IC 6-2.5-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A person who acquires tangible personal property from a retail merchant for

delivery in Indiana is presumed to have acquired the property for storage, use, or consumption in Indiana. ~~However, unless~~ the person or the retail merchant can produce evidence to rebut that presumption.

(b) A retail merchant is not required to produce evidence of nontaxability under subsection (a) if the retail merchant receives from the person who acquired the property an exemption certificate which certifies, in the form prescribed by the department, that the acquisition is exempt from the use tax.

(c) A retail merchant that sells tangible personal property to a person that purchases the tangible personal property for use or consumption in providing public transportation under IC 6-2.5-5-27 may verify the exemption by obtaining the person's:

(1) name;

(2) address; and

(3) motor carrier number, United States Department of Transportation number, or any other identifying number authorized by the department.

The person engaged in public transportation shall provide a signature to affirm under penalties of perjury that the information provided to the retail merchant is correct and that the tangible personal property is being purchased for an exempt purpose."

Page 29, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] **(a) As used in this SECTION, "department" refers to the department of state revenue.**

(b) A retail merchant that sold tangible personal property to a person that used or consumed the tangible personal property in providing public transportation under IC 6-2.5-5-27 may verify that the sale was exempt from taxation under IC 6-2.5 by using the information contained in form ST-135 for the transaction.

(c) If a retail merchant provides the department with the information from form ST-135 to verify that a sale described in subsection (b) is exempt from taxation under IC 6-2.5, the retail merchant may request:

(1) a refund of gross retail tax plus any penalties and interest paid to the department; or

(2) that the department satisfy any outstanding gross retail tax liabilities, including any penalties and interest for tax liabilities;

for the tangible personal property used or consumed in providing public transportation.

(d) This SECTION expires December 31, 2008."

Renummer all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 500-4)

Madam President: I move that Senate Bill 500 be amended to read as follows:

Page 26, between lines 19 and 20, begin a new paragraph and

insert:

"SECTION 24. IC 6-8.1-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. The department may not

(1) include the amount of revenue collected or tax liability assessed in the evaluation of an employee. or

(2) impose or suggest production quotas or goals for employees based on the number of cases closed."

Page 29, line 31, delete "THE FOLLOWING ARE" and insert "IC 6-2.5-8-10 IS".

Page 29, line 32, delete ": IC 6-2.5-8-10; IC 6-8.1-3-2.5; IC 6-8.1-3-2.6." and insert ".".

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 500-6)

Madam President: I move that Senate Bill 500 be amended to read as follows:

Replace the effective date in SECTION 16 with "[EFFECTIVE DECEMBER 16, 2007]".

Page 20, line 9, after "on the" insert "lesser of the".

Page 20, strike line 11.

Page 20, line 12, strike "income tax liability for such taxable year." and insert "the amount calculated in subdivision (1) or the difference between the actual amount paid by the corporation on the estimated return and the amount calculated in subdivision (2).".

Page 29, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE JULY 1, 2007] IC 6-3-4-4.1, as amended by this act, applies to taxable years beginning after December 15, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 500-7)

Madam President: I move that Senate Bill 500 be amended to read as follows:

Page 12, line 12, after "fiscal" insert "year".

Page 16, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 14. IC 6-3-3-12, AS ADDED BY P.L.192-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "account" has the meaning set forth in IC 21-9-2-2.

(b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

(c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

(d) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.

(e) As used in this section, "non-qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is not a qualified withdrawal.

(f) As used in this section, "qualified higher education expenses" has the meaning set forth in IC 21-9-2-19.5.

(g) As used in this section, "qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is made:

(1) to pay for qualified higher education expenses, excluding any withdrawals or distributions used to pay for qualified higher education expenses if the withdrawals or distributions are made from an account of a college choice 529 education savings plan that is terminated within twelve (12) months after the account is opened;

(2) as a result of the death or disability of an account beneficiary;

(3) because an account beneficiary received a scholarship that paid for all or part of the qualified higher education expenses of the account beneficiary, to the extent that the withdrawal or distribution does not exceed the amount of the scholarship; or

(4) by a college choice 529 education savings plan as the result of a transfer of funds by a college choice 529 education savings plan from one (1) third party custodian to another.

A qualified withdrawal does not include a rollover distribution or transfer of assets from a college choice 529 education savings plan to any other qualified tuition program under Section 529 of the Internal Revenue Code that is not a college choice 529 education savings plan.

(h) As used in this section, "taxpayer" means:

(1) an individual filing a single return; or
(2) a married couple filing a joint return.

(i) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

(1) Twenty percent (20%) of the amount of each contribution the total contributions made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year.

(2) One thousand dollars (\$1,000).

(3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(j) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

(k) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

(l) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

(m) An account owner of an account of a college choice 529 education savings plan must repay all or a part of the credit in a taxable year in which any non-qualified withdrawal is made from the account. The amount the taxpayer must repay is equal to the lesser of:

- (1) twenty percent (20%) of the total amount of non-qualified withdrawals made during the taxable year from the account; or
- (2) the excess of:

(A) the cumulative amount of all credits provided by this section that were claimed by any taxpayer with respect to the taxpayer's contributions to the account for all prior taxable years beginning on or after January 1, 2007; over

(B) the cumulative amount of repayments paid by the account owner under this subsection for all prior taxable years beginning on or after January 1, 2008.

(n) Any required repayment under subsection (m) shall be reported by the account owner on the account owner's annual state income tax return for any taxable year in which a non-qualified withdrawal is made.

(o) The executive director of the Indiana education savings authority shall submit or cause to be submitted to the department a copy of all information returns or statements issued to account owners, account beneficiaries, and other taxpayers for each taxable year with respect to:

- (1) non-qualified withdrawals made from accounts of a college choice 529 education savings plan for the taxable year; or
- (2) account closings for the taxable year."

Delete page 17.

Page 18, delete lines 1 through 38.

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 500-8)

Madam President: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 29, strike lines 17 through 18.

Page 29, line 19, strike "year, excluding pension fund investments, as".

Page 29, line 20, delete "determined by the" and insert "**must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a).**".

Page 29, delete line 21.

Page 29, line 22, delete "to the commissioner."

Page 29, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE UPON PASSAGE] (a) The commissioner of the department of state revenue shall revise any schedule specifying the adjusted rate of interest for excess tax payments as necessary to comply with IC 6-8.1-10-1, as amended by this act. A schedule revised under this SECTION takes effect July 1, 2007.

(b) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 500-9)

Madam President: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 12, line 3, delete "Thirty-two hundredths" and insert "**Six-tenths**".

Page 12, line 3, delete "(0.32%)," and insert "**(0.6%)**".

Page 12, line 10, delete "Thirteen-hundredths" and insert "**Three-tenths**".

Page 12, line 10, delete "(0.13%)," and insert "**(0.3%)**".

(Reference is to SB 500 as printed January 30, 2007.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 503

Senator Miller called up Senate Bill 503 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 503-1)

Madam President: I move that Senate Bill 503 be amended to read as follows:

Page 35, line 27, after "insurance" insert "**trust**".

Page 35, line 32, after "insurance" insert "**trust**".

Page 36, between lines 21 and 22, begin a new paragraph and insert:

"(h) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency."

(Reference is to SB 503 as printed February 16, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 506

Senator Merritt called up Senate Bill 506 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 526

Senator Landske called up Senate Bill 526 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 550

Senator Becker called up Senate Bill 550 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 568

Senator Meeks called up Senate Bill 568 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 185

Senator Errington called up Engrossed Senate Bill 185 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Tyler.

Engrossed Senate Bill 271

Senator Sipes called up Engrossed Senate Bill 271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson, Stemler, and Ulmer.

Engrossed Senate Bill 397

Senator Landske called up Engrossed Senate Bill 397 for third reading:

A BILL FOR AN ACT concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Bischoff.

Engrossed Senate Bill 452

Senator Wyss called up Engrossed Senate Bill 452 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Stevenson and Bell.

Engrossed Senate Bill 551

Senator Dillon called up Engrossed Senate Bill 551 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin and Murphy.

Engrossed Senate Bill 559

Senator Paul called up Engrossed Senate Bill 559 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 40, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Fry, Pflum, and Ripley.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senators Lewis and Nugent:

A CONCURRENT RESOLUTION asking the Indiana Department of Transportation to name the bridge spanning State Road 56 in Switzerland County the Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their state in times of war;

Whereas, These veterans served their state and country well, sometimes making the ultimate sacrifice in the service of their country;

Whereas, Many states have designated and named bridges as a

memorial to those who served their nation in times of war; and

Whereas, It is fitting that the proper signage be placed on the bridge spanning State Road 56 in Switzerland County to recognize the designation of that bridge as the Veterans Memorial Bridge: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commemorates the service of Indiana's veterans to our state and our nation by asking the Indiana Department of Transportation to name the bridge spanning State Road 56 in Switzerland County the Veterans Memorial Bridge.

SECTION 2. That a copy of this resolution be sent to the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 23 and the same is herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 271.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 480.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Meeks and Wyss be added as coauthors of Senate Resolution 11.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kenley and Delph be added as cosponsors of House Concurrent Resolution 22.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as second author and Senator Tallian be added as coauthor of Senate Bill 22.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Joint Resolution 14.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of House Concurrent Resolution 14.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 20, 2007.

LONG

Motion prevailed.

The Senate adjourned at 5:19 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate